

REMARKS

Claims 1-16 are pending in the above-identified application.

The Examiner maintains the rejection of claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Wiedeman et al. (Wiedeman) and Levanon et al. (Levanon).

Applicant thanks the Examiner for the courtesy extended to Applicant's representative during the August 5, 2004 telephonic interview. The following is Applicant's reply to the Office Action and a Statement of Substance of the Examiner Interview.

During the Interview, Applicant's representative noted that the claimed invention is patentable over the prior art of record, and in particular, that one skilled in the art of satellite signal transmission would not have been motivated to combine the teachings of Wiedeman and Levanon as proposed by the Examiner. The Examiner agreed to re-evaluate the prior art rejection based on review of the arguments when presented in a written reply to the Office Action.

Accordingly, Applicant sets forth the following arguments for the Examiner's consideration.

As explained in Applicant's previous Amendment filed August 22, 2003 and Applicant's Response filed February 24, 2004, Applicant's claimed invention provides satellite signal transmitting and receiving methods which comprise unique combinations of method steps. Also, Applicant's claimed invention provides satellites comprising unique combinations of features.

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Some of the unique combinations of method steps and features include, *inter alia*, offsetting signals by at least one chip of the spread spectrum modulation (claim 1; see also claims 2, 6 and 10). Other combinations include, *inter alia*, spread spectrum modulating, using different sequences, signals to be transmitted (claim 5; see also claim 11).

The Examiner acknowledges that Wiedeman does not disclose at least the above-noted method steps and features of Applicant's claimed invention (see Office Action, page 2). The Examiner relies on Levanon to supply this acknowledged deficiency of Wiedeman. In particular, the Examiner's alleges that one skilled in the art would have been motivated to modify Wiedeman to include additional circuitry and/or programming required for offsetting signals by at least one chip of the spread spectrum modulation, or spread spectrum modulating, using different sequences, signals to be transmitted (as allegedly taught by Levanon), because "this would allow for an improved method of rapidly determining position of a user device in a satellite communication system" (see Office Action, page 3).

Applicant respectfully submits that, as explained in MPEP 2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." *Id.*; *see also* MPEP §2143 (the "fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish *prima facie* obviousness").

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As explained in Applicant's Response filed February 24, 2004, Wiedeman discloses nothing more than a conventional satellite having L-band and S-band antennas 12d and 12c (see Id., col. 5, lines 20-35; and Fig. 3A). In particular, Wiedeman's objective is to improve resource assignment techniques for satellite communication systems (see Id., col. 1, line 27 through col. 2, line 49). Nowhere does Wiedeman disclose, or even remotely suggest, that resource assignment for satellite communication systems would somehow be improved by rapidly determining the position of a user device in a satellite communication system. That is, neither Levanon, nor Wiedeman, discloses or suggests that the teaching of Wiedeman, which is directed to "resource assignment techniques for satellite communications" (see Wiedeman, col. 1, line 26 through col. 2, line 49) may somehow be combined with the teaching of Levanon, which is directed to position determination systems (see Levanon, col. 1, line 23 through col. 5, line 6)..

Thus, the Examiner's conclusion as to the alleged motivation for combining Wiedeman and Levanon is not supported by the actual disclosures of the references themselves.

The Examiner does not even attempt to explain what general knowledge would lead one of ordinary skill in the art to believe that combining Wiedeman and Levanon would result in an improved satellite communication system. Instead, the Examiner alleges that "Wiedeman and Levanon are combinable in that they both relate to low-Earth orbit (LEO) satellite systems communicating with user terminal" (see Office Action, page 8). However the mere fact that Wiedeman and Levanon both relate to LEO satellite communication systems does not support the proposition that one skilled in the art of satellite communication would have been motivated to combine the otherwise unrelated teachings of these two references to achieve Applicant's

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claimed invention which addresses the problem of poor antenna coverage in a two-antenna system where the radiation patterns of the two antennas overlap. MPEP 214.01 (“[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination”, *original emphasis*); *see also Id.* (“the prior art must suggest the desirability of the claimed invention”); *see also Id. citing In re Lee* (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references).

Furthermore, the Examiner does not explain how it would be technically feasible to modify Wiedeman to include the feature of offsetting signals by at least one chip of the spread spectrum modulation (or spread spectrum modulating, using different sequences, signals to be transmitted) to achieve Wiedeman’s stated objective of improving resource assignment techniques for satellite communication systems.

In summary, Applicant respectfully submits that the Examiner has failed to formulate a *prima facie* case of obviousness, and therefore, the prior art rejection based on Wiedeman and Levanon should be withdrawn.

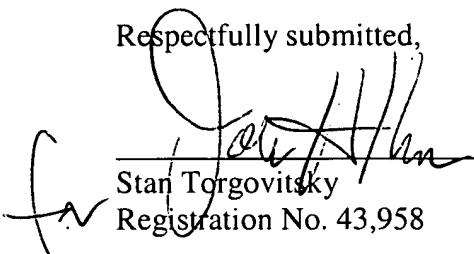
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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